

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

POPULUS MEDIA, INC.,

Plaintiff,

-against-

JEFFREY ERB,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 6/5/2023

23-cv-4160 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties' pre-motion letters about Defendant's contemplated motion to dismiss [ECF Nos. 5, 7]. Having carefully reviewed the arguments in the pre-motion letters, the Court concludes that a pre-motion conference is not necessary. Defendant's request for leave to file a motion to dismiss is GRANTED.

IT IS HEREBY ORDERED that Plaintiff shall file a letter by June 12, 2023 informing the Court and Defendant whether Plaintiff intends to amend the complaint. **This will be Plaintiff's last opportunity to amend in response to any issue raised in the pre-motion letters.**

IT IS FURTHER ORDERED that, if Plaintiff elects to amend, the amended complaint is due on or before June 20, 2023.

IT IS FURTHER ORDERED that Defendant shall respond to any amended complaint within 14 days of its filing. If Defendant responds with a motion to dismiss, further briefing of that motion shall proceed on the schedule set forth in Local Rule 6.1(b).

IT IS FURTHER ORDERED that, if Plaintiff elects not to amend, Defendant shall file his contemplated motion to dismiss by June 26, 2023. Further briefing shall proceed on the schedule set forth in Local Rule 6.1(b).

Any request for an extension shall be made by letter and filed on ECF at least 48 hours before the deadline.

**SO ORDERED.**

**Date: June 5, 2023  
New York, NY**

Mary Kay Vyskocil  
**MARY KAY VYSKOCIL**  
**United States District Judge**